

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**GINGER P. ELDER, JACQUELYN
DEARMORE, and BENJAMIN TAYLOR**

PLAINTIFFS

**v. Case No. 3:19-cv-00155 KGB (Lead)
Case No. 4:20-cv-00188 KGB**

**CINDY GILLESPIE, Director, Arkansas
Department of Human Services in her
official and individual capacity, et al.**

DEFENDANTS

ORDER

Before the Court a joint motion for approval of settlement agreement filed by plaintiffs Ginger Elder, Jacquelyn Dearmore, and Benjamin Taylor and defendants Cindy Gillpesie, Craig Cloud, Richard Rosen, Jerald Sharum, David Sterling, and Mark White, in their respective official and individual capacities (Dkt. No. 75). The parties submit for the Court's review and approval a Settlement Agreement entered into between the parties regarding the claims asserted in this action (Dkt. No. 75-1). Specifically, the parties request that the Court find that the terms of the Settlement Agreement represent a fair, adequate, and reasonable settlement of this matter and grant preliminary approval of the Settlement Agreement.

In support of their motion, the parties state that they began negotiating the proposed resolution of this matter under the supervision of United States Magistrate Judge Edie R. Ervin (Dkt. No. 75, ¶ 3). The parties further state that they reached an agreement as documented by the Settlement Agreement attached to the present motion (*Id.*, ¶ 4). The parties represent that they agree that the procedure for finalizing settlement in this matter will be as follows:

- a. Following the Court's Order granting preliminary approval of the Settlement Agreement, attached as Exhibit 1, the Defendants shall, within thirty (30) days, seek approval of the Settlement with the Arkansas Legislature. If Defendants are unable to present the agreement within the 30 day timeframe, they

must state the reason in writing and provide the Plaintiffs an estimated time for presentation of the Agreement to the Arkansas Legislature. If DHS is unable to present the agreement within ninety (90) days, the agreement is void, and litigation will resume as if no agreement was made and will proceed without prejudice to any party's claims or defenses.

b. Upon approval of the Settlement Agreement by the Arkansas Legislature and receipt of complete payment of all monetary relief to Plaintiffs and Legal Aid, the Plaintiffs shall file a Motion for Dismissal of the Consolidated Cases with prejudice, releasing all claims against the Defendants in their individual and official capacities.

c. The Court's Order of Dismissal shall include an express statement that the Court retains jurisdiction over this matter for a period of twenty-four (24) months from the date of the dismissal for purposes of enforcing the Settlement Agreement.

d. Upon the Courts' entry of an Order for Dismissal, the terms of the Settlement Agreement, incorporated herein by reference, shall be final and binding on that parties to this action.

(*Id.*, ¶ 5).

For good cause shown, the Court grants the joint motion (Dkt. No. 75). The Court determines that the terms of the Settlement Agreement represent a fair, adequate, and reasonable settlement of this matter. The Court hereby provides preliminary approval of the Settlement Agreement (Dkt. No. 75-1).

It is so ordered this 15th day of May, 2023.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker

United States District Judge